

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No. 20-12605 (MG)

In re

Chapter 11

381 BROADWAY REALTY CORP.,

Debtor.

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**DECLARATION OF RICHARD C. MORRISSEY IN SUPPORT
OF THE UNITED STATES TRUSTEE'S MOTION FOR AN
ORDER DISMISSING CHAPTER 11 CASE PURSUANT TO
SECTION 1112(b)(1) OF THE BANKRUPTCY CODE OR,
ALTERNATIVELY, DIRECTING THE APPOINTMENT
OF A CHAPTER 11 TRUSTEE PURSUANT TO
SECTION 1104 OF THE BANKRUPTCY CODE**

I am a Trial Attorney for movant, William K. Harrington, the United States Trustee for Region 2 (the “United States Trustee”). Within his Office, I am responsible for monitoring these chapter 11 cases captioned above on her behalf. I make this declaration based on personal knowledge, information and belief formed from records of the Office of the United States Trustee, kept in the ordinary course of its business, and my personal review earlier today of the docket of these case on the PACER information system. If called, I would testify to the following:

1. On November 6, 2020 (the “**Petition Date**”), Alan Tantleff, a state court property receiver (the “**Property Receiver**”), filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code for 381 Broadway Realty Corp. (the “**Debtor**”). ECF Doc. No. 1. The Property Receiver is in custody and control of the Debtor’s property located at 381 Broadway, New York, New York.

2. To date, the United States Trustee has been unable to appoint an official

committee of unsecured creditors in the Debtors' cases.

3. On December 17, 2020, the Court is scheduled to hear an Omnibus Motion for an Order (1) excusing the Receiver from complying with the turnover provisions of the Bankruptcy Code, (2) designating the Receiver as the "responsible person" to act for the Debtor pursuant to 9001(5), and (3) "authorizing the Debtor to retain FTI consulting to assist in the Receiver's management of the Debtor's property.

I declare under penalty of perjury that the information contained in this Declaration is true and correct.

Dated: New York, New York
November 30, 2020

/s/ Richard C. Morrissey
RICHARD C. MORRISSEY